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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MIKE FIELDS, an individual,

Plaintiff,

vs.

MARLYN RAMIREZ, an individual,

Defendant.

Case No. 2:21-cv-02102-CDS-EJY

**AMENDED JOINT MOTION AND
STIPULATION TO EXTEND
DEADLINES BY 90 DAYS**

Mike Fields (“Plaintiff”) and Marlyn Ramirez (“Defendant”) (collectively,
the “Parties”) respectfully submit this Joint Motion and Stipulation to Extend

Deadlines set forth in the Court's Joint Discovery Plan and Scheduling Order, (ECF No. 31), by 90 days. Good cause exists to grant this request.

A. The Discovery Completed to Date:

The Complaint was filed on November 30, 2021 (ECF No. 1). Defendant, appearing *pro se* filed her Answer to the Complaint on December 28, 2021 (ECF No. 14). Defendant filed a motion for pro bono referral on March 24, 2022 (ECF No. 23); which was denied on March 25, 2022 (ECF No. 24). On April 6, 2022, Defendant filed a motion for stay of discovery (ECF No. 25); which was denied on May 5, 2022 (ECF No. 29). The Parties filed a Joint Discovery Plan and Scheduling Order on May 12, 2022 (ECF No. 30); which was granted on May 13, 2022 (ECF No. 31). Defendant later engaged counsel, and on August 17, 2022, counsel for Defendant entered a notice of appearance (ECF No. 34). To date, the Parties have propounded the following discovery:

Date	Propounded Discovery	Response Date
5/24/2022	Initial Disclosures Served	
6/16/2022	Plaintiff's First Set of Request for Production of Documents; First Set of Interrogatories; and First set of Requests for Admission	7/16/2022, extended to 8/1/2022
8/8/2022	Defendant's First Set of Request for Production of Documents and First set of Interrogatories	9/7/2022
9/7/2022	Plaintiff's Second Set of Interrogatories	10/7/2022, extended to 10/21/2022

1 **B. The Discovery That Remains to be Completed:**

2 Defendant's answers to Plaintiff's Second Set of Interrogatories remains to
 3 be completed. Additionally, Plaintiff has requested communications and documents
 4 related to the sculpture that is the subject of this dispute, which Defendant states
 5 may no longer be in her possession; and as such, Plaintiff may have to seek
 6 discovery from a third-party in China with whom Defendant was communicating in
 7 an attempt to recover those communications. The Parties also currently anticipate
 8 the need to file a motion for leave to file a proposed protective order and document
 9 production continues to protect certain confidential documents. Finally, both Parties
 10 anticipate the need to conduct depositions once the document production –
 11 including third-party documents from China – is substantially complete.

12 **C. The Reasons Why Discovery Was Not Completed:**

13 Discovery was not completed as counsel for Defendant was only retained
 14 recently to represent Defendant, requiring additional time for preparation. Further,
 15 discovery is not complete as the Parties currently anticipate there is a need for a
 16 protective order. Additionally, discovery is not complete as the Parties recently
 17 became aware that third-party discovery may be necessary to obtain
 18 communications from a company in China. Lastly, the Parties will need time to
 19 conduct depositions once the responsive documents are obtained.

20 **D. ~~Proposed~~ Schedule For Completing Remaining Discovery:**

21 By this joint motion and stipulation, the Parties agree and request a 90-day
 22 extension of the Deadlines set forth in the Court's Joint Discovery Plan and
 23 Scheduling Order (ECF No. 31) as follows:

Event	Current Deadline	Extended Deadline
Discovery Cut-off Date	11/1/2022	1/30/2023
Dispositive Motions	12/1/2022	3/1/2023
Pre-Trial Order	1/5/2023	4/5/2023

E. Good Cause:

The Parties have engaged in settlement discussions in a good faith effort to resolve this dispute. Because of the time necessary to obtain approvals for offers, to allow time to prepare and finalize a settlement agreement, and to allow time to conduct mediation or a judicial settlement conference – if necessary – the Parties request all dates and deadlines be extended by 90 days.

Additionally, Defendant only retained her current counsel less than two months ago as she was originally proceeding *pro se*. Additional time would be beneficial to the Parties and their Counsel in their attempts to resolve this case. Further, Defendant has indicated she is dealing with financial constraints and may be applying for *pro bono* assistance or may possibly decide to again represent herself.

Furthermore, it appears Plaintiff may need to engage in third-party discovery to seek documents from a company in China, if this matter cannot be settled; and both Parties will need time to conduct deposition should the settlement discussions fail to result in a negotiated resolution.

This request is not made for the purposes of delay, and the Parties represent good cause exists to grant the requested extension.

Therefore, to conserve time and resources of the parties and the Court, and in

1 good faith, the parties seek a 90-day extension on all dates and deadlines in the
2 Court's Joint Discovery Plan and Scheduling Order (ECF No. 31).

3 RESPECTFULLY STIPULATED AND SUBMITTED this 17th day of
4 October, 2022.

5
6 /s/ Caleb Hatch
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18 **IT IS SO ORDERED.**

19 
20 **U.S. MAGISTRATE JUDGE**

21 **Dated: October 17, 2022**
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